

Senate Bill No. 445

(By Senators M. Hall, Stollings, Boley,
Boso, Snyder, Facemire and Plymale)

[Introduced February 10, 2015;
referred to the Committee on Finance.]

A BILL to amend and reenact §31-20-10 of the Code of West
Virginia, 1931, as amended, relating to the use and
investment of Regional Jail and Correctional Facility
Authority funds.

Be it enacted by the Legislature of West Virginia:

That §31-20-10 of the Code of West Virginia, 1931,
as amended, be amended and reenacted to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL
AND CORRECTIONAL FACILITY
AUTHORITY.**

§31-20-10. Regional Jail and Correctional Facility

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Authority funds.

1 (a) The Regional Jail and Correctional Facility
2 Authority may create special funds in the State Treasury to
3 identify various revenue sources and payment of specific
4 obligations. These funds may be used for purposes that
5 include, but are not limited to, the construction, renovation or
6 repair of specific facilities, cash control, facility maintenance
7 and the individual operations accounts of facilities operated
8 by the authority. The authority may create other separate
9 accounts within these funds that it determines are necessary
10 for the efficient operation of the authority.

11 (b) Revenues deposited into these funds shall be used
12 to make payments of interest and shall be pledged as security
13 for bonds, security interests or notes issued or lease-purchase
14 obligations entered into with another state entity by the
15 authority pursuant to this article.

16 (c) Whenever the authority determines that the

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1 balance in these funds is in excess of the immediate
2 requirements of this article, it may request that the excess be
3 invested in the West Virginia Board of Treasury Investments
4 or the West Virginia Investment Management Board until
5 needed. ~~In this case, the excess shall be invested in a manner~~
6 ~~consistent with the investment of temporary state funds.~~
7 ~~Interest earned~~ Earnings on any ~~money invested~~ investments
8 pursuant to this section shall be credited to these funds.

9 (d) If the authority determines that moneys held in
10 these funds are in excess of the amount needed to carry out
11 the purposes of this article, it shall take any action that is
12 necessary to release the excess and transfer it to the General
13 Revenue Fund of the State Treasury.

14 (e) These funds consist of the following:

15 (1) Amounts raised by the authority by the sale of
16 bonds or other borrowing authorized by this article;

17 (2) Moneys collected and deposited in the State

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1 Treasury which are specifically designated by Acts of the
2 Legislature for inclusion in these funds;

3 (3) Contributions, grants and gifts from any source,
4 both public and private, which may be used by the authority
5 for any project or projects;

6 (4) All sums paid by the counties pursuant to
7 subsection (h) of this section; and

8 (5) All interest earned on investments made by the
9 state from moneys deposited in these funds.

10 (f) The amounts deposited in these funds shall be
11 accounted for and expended in the following manner:

12 (1) Amounts raised by the sale of bonds or other
13 borrowing authorized by this article shall be deposited in a
14 separate account within these funds and expended for the
15 purpose of construction, renovation and repair of correctional
16 facilities, regional jails and juvenile detention and
17 correctional facilities for which need has been determined by

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1 the authority;

2 (2) Amounts deposited from all other sources shall be
3 pledged first to the debt service on any bonded indebtedness,
4 including lease-purchase obligations entered into by the
5 authority with another state entity or other obligation incurred
6 by borrowing of the authority;

7 (3) After any requirements of debt service have been
8 satisfied, the authority shall requisition from these funds the
9 amounts that are necessary to provide for payment of the
10 administrative expenses of this article;

11 (4) The authority shall requisition from these funds,
12 after any requirements of debt service have been satisfied, the
13 amounts that are necessary for the maintenance and operation
14 of regional jails that are constructed pursuant to the
15 provisions of this article and shall expend those amounts for
16 that purpose. These funds shall make an accounting of all
17 amounts received from each county by virtue of any filing

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1 fees, court costs or fines required by law to be deposited in
2 these funds and amounts from the jail improvement funds of
3 the various counties. After the expenses of administration
4 have been deducted, the amounts expended in the respective
5 regions from those sources shall be in proportion to the
6 percentage the amount contributed to these funds by the
7 counties in each region bears to the total amount received by
8 these funds from those sources;

9 (5) Notwithstanding any other provisions of this
10 article, sums paid into these funds by each county pursuant to
11 subsection (h) of this section for each inmate shall be placed
12 in a separate account and shall be requisitioned from these
13 funds to pay for costs incurred at the regional jail facility at
14 which each inmate was incarcerated; and

15 (6) Any amounts deposited in these funds from other
16 sources permitted by this article shall be expended in the
17 respective regions based on particular needs to be determined

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1 by the authority.

2 (g) (1) After a regional jail facility becomes available
3 pursuant to this article for the incarceration of inmates, each
4 county within the region shall incarcerate all persons whom
5 the county would have incarcerated in any jail prior to the
6 availability of the regional jail facility in the regional jail
7 facility except those whose incarceration in a local jail facility
8 used as a local holding facility is specified as appropriate
9 under the standards and procedures developed pursuant to
10 section nine of this article and who the sheriff or the circuit
11 court elects to incarcerate therein.

12 (2) Notwithstanding the provisions of subdivision (1)
13 of this subsection, circuit and magistrate courts are authorized
14 to:

15 (A) Detain persons who have been arrested or charged
16 with a crime, in a county or municipal jail, specified as
17 appropriate under the standards and procedures developed

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1 pursuant to section nine of this article, for a period not to
2 exceed ninety-six hours; or

3 (B) Commit persons convicted of a crime in a county
4 or municipal jail, specified as appropriate under the standards
5 and procedures developed pursuant to section nine of this
6 article, for a period not to exceed fourteen days.

7 (h) When inmates are placed in a regional jail facility
8 pursuant to subsection (g) of this section, the county shall pay
9 into the Regional Jail and Correctional Facility Authority
10 Fund a cost per day for each incarcerated inmate to be
11 determined by the Regional Jail and Correctional Facility
12 Authority according to criteria and by procedures established
13 by legislative rules proposed for promulgation pursuant to
14 article three, chapter twenty-nine-a of this code and as
15 established in section ten-a of this article to cover the costs of
16 operating the regional jail facilities of this state to maintain
17 each inmate. The per diem costs for incarcerating inmates

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1 may not include the cost of construction, acquisition or
2 renovation of the regional jail facilities: *Provided*, That each
3 regional jail facility operating in this state shall keep a record
4 of the date and time that an inmate is incarcerated and a
5 county may not be charged for a second day of incarceration
6 for an individual inmate until that inmate has remained
7 incarcerated for more than twenty-four hours. After that, in
8 cases of continuous incarceration, subsequent per diem
9 charges shall be made upon a county only as subsequent
10 intervals of twenty-four hours pass from the original time of
11 incarceration.

(NOTE: The purpose of this bill is to specify where the Regional Jail and Correctional Facility Authority may invest its excess funds.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)